



**Pasternack Tilker Ziegler  
Walsh Stanton & Romano LLP**  
Attorneys At Law

25 Newbridge Road  
Suite 203  
Hicksville, NY 11801  
  
P: 800.692.3717  
P: 516.742.3636  
F: 516.742.3994  
  
[www.workerslaw.com](http://www.workerslaw.com)

Author's Direct:

**VIA ECF**

July 27, 2022

**MEMORANDUM ENDORSED**

Magistrate Judge Gabriel W. Gorenstein  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Claimant: Brooks v. Commissioner of Social Security  
Case #: 1:21-cv-06453-GWG

Dear Judge Gorenstein:

This matter was commenced on July 21, 2021 with the filing of a complaint. [Dkt1]

Pursuant to your scheduling order, Plaintiff timely filed her motion for Judgment on the Pleadings on February 22, 2022. On May 20, 2022 I submitted a substitution of attorney as the partner, Christopher D. Latham retired and I took over his cases. His assistant also left the firm.

Subsequently, Defense counsel requested an extension to submit opposition to Plaintiff's motion and your honor granted that motion. [Dkt. 20]

Defense counsel brought to my attention that Plaintiff's motion mistaken seemingly related to an earlier decision by the ALJ, rendered in 2018. The actual ALJ decision from which Plaintiff is appealing was issued in 2021. The drafter of the motion did not refer to the 2021 ALJ decision and did not submit any arguments relating to any alleged errors contained therein. In essence, the Memorandum in support of the motion does not address the correct decision. As noted above, I was not the attorney on this matter at that time.

Please accept this letter as a request to strike Plaintiff's motion in its entirety and a further request to permit me to submit a new motion and supporting papers. I discussed this issue with Defense counsel and they have consented to this request. In addition, due to time constraints by both Plaintiff's and Defendant's counsel, both attorney have agreed to the following schedule should your honor accept this motion and grant it:

Plaintiff's motion due on September 25, 2022; Defendant's Opposition/Cross-Motion due November 24, 2022; Plaintiff's reply (if any) due December 23, 2022.

I understand the value of the Court's time and the constraints on the Court's docket and apologize for this error and respectfully request this letter motion be granted.



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Thank you kindly for your consideration of this request.

Very truly yours,

PASTERNAK TILKER ZIEGLER  
WALSH STANTON & ROMANO, LLP

*J. Anklowitz*

J. Anklowitz  
Attorney for Plaintiff

JBA/dw

cc: Mary Ellen Brennan  
U.S. Attorney's Office, SDNY  
86 Chambers Street  
New York, NY 10007  
Email: [maryellen.brennan@usdoj.gov](mailto:maryellen.brennan@usdoj.gov)

The existing brief will not be considered. While the Court will accept the schedule proposed in this schedule, there will be no further extensions inasmuch as this case will appear on March 2023 list of pending cases under the Criminal Justice Reform Act if it is not decided by that time.

So Ordered.

*Gabriel W. Corenstein*  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge

July 27, 2022